

## Compensation For Injuries

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(Editor's Note—At the Annual Convention of the International Labor Press of America, held at Cincinnati, Ohio, arrangements were made whereby a series of special articles from the pen of men who have made a thorough study of the matter upon which they write, will appear simultaneously in the columns of those papers. The first comes from the pen of Mr. Will J. Rohr, of Cincinnati, Ohio, who has gained a wide reputation through his study and writings upon those topics in which labor is intensely interested.)

Liability insurance companies are responsible for the various laws dealing



Will J. Rohr.

with workmen's compensation. True, they deny the soft impeachment.

Organized labor, employers, judges and lawyers were the instruments which finally combined to write the fundamental principles underlying the idea of in part trying to offer some slight compensation to a worker when injured, and in a small measure relieving distress to a family that has suffered the loss of its principal breadwinner.

In the State of Ohio, October 6, 1910, the first 42-centimeter gun began to smash the old industrial system—that human life was the cheapest thing around an industrial plant. That gun and ammunition was furnished by the indemnity insurance companies.

"Liability insurance companies doing business in a single State for three years, collected \$23,623,585, and they paid out in settlements of suits, \$8,569,795."

The Ohio Commission found that less than 25 per cent of those recoveries by suits at law and settlements, ever reached the injured workman or the hands of his widow or his orphans.

In 65,000 cases passing through one indemnity insurance manager's hands, the record shows that approximately only 6 per cent of those injured ever received anything, while 94 per cent of those injured either temporarily, partial or total disability, or in case of death, received nothing.

This is how the indemnity insurance companies assisted in bringing about workmen's compensation laws.

The fundamental and underlying principles which were written into workmen's compensation laws in some twenty-two foreign countries had to do with reducing the number of accidents, the necessity of immediate surgical attention to an injured workman, the placing of a stated amount of money in the hands of the injured party or his dependents, and doing away with the possibility of frittering and long delays in placing awards.

All available statistics in the United States bore out the contention that the number of accidents, both those inherent to the business and those incurred through carelessness or indifference on the part of the workman or employer, could be reduced to a minimum. And that might best be done by making it compulsory upon the State or other agent to see that every workman should receive something, and that the principle of placing the burden of doing this should eventually be borne by industry.

In a conference participated in by representatives of the Federal government and a large number of commissioners from several of the larger States, held at Chicago, Ill., November 10, 11, 12, 1910, an attempt was made to unite upon a plan or a form of compensation law, which would not work a hardship upon any one State's industries.

The fact was brought out that the constitution of some of these States would not permit that form of compensation known as State insurance, i. e., a fund contributed by the employers and administered and disbursed by a State Board or Industrial Commission.

The record of industrial indemnity insurance companies was so black, that when the Employers' Liability Commission of Ohio gathered in executive sessions to formulate a plan and write a law, the idea uppermost was to the effect: If absolute, quick and sure compensation was to be looked for, then all middlemen or intermediaries would have to be eliminated. However, there was a provision that upon complying with certain requirements, a firm or corporation might arrange to carry its own insurance, after having satisfied the proper State officials of their financial ability to do so.

In formulating a system of compensation, it must be borne in mind that the plans in force in European countries were planned for the whole country in which it became operative. In the United States it became necessary to take up the matter along the lines of each State being a government unto itself upon internal management and the regulation of industries, other perhaps than those which had to do with the intrastate and interstate traffic.

In the second paragraph of this article mention is made that judges and lawyers assisted in the promulgation of workmen's compensation laws. This statement, however, is paradoxical. Hundreds of thousands of workmen never were able to understand how it was, that after they had been injured, a suit for damages undertaken, it was seldom that in case of recovery, were they permitted to receive any compensation until after a long drawn-out litigation. And then perhaps a widow, the dependent children or other nearest of kin, found that fees and litigation had figuratively left them in debt, while the home had been broken and the inmates dispersed to possible charitable institutions.

Law's delay and the uncertainty of recovery aroused organized workmen, quite as much as did the charitable (?) procedure of the industrial indemnity insurance companies.

In a very exhaustive and comprehensive investigation made by what is known as the Russell Sage Foundation in the Pittsburgh and Allegheny district, and by the Employers' Liability Commission of Ohio, in Cuyahoga county, of that State, a condition of affairs was disclosed that was so appalling and black for a change, that in all the testimony offered, not a single individual offered a word in palliation.

The law's delay, either through the clogging of the machinery, or through the dilatory tactics of those having the cases in hand, in many instances, permitted the "wearing" down of litigants, and the eventual settlement at merely nominal or insignificant sums; in many cases barely enough being received to pay the burial expenses, and then only if they did not exceed \$40 to \$50.

It must not be inferred that all judges and lawyers sought to hinder or obstruct the process of meting out justice to the injured workman or his dependents in case of his death. But in the taking of testimony covering thousands of pages, the word "shyster" and "tool" were very frequently used, along with "ambulance chasers."

Under a State workmen's compensation law the word "shyster" and "ambulance chaser" will become obsolete insofar as it may be used in connection with an injured workman or dependents.

It may be quite true that in the estimation and opinion of many workmen and others, that compensation to injured workmen and dependents is placed at too low a figure. When it is taken into consideration that within the short space of five years 100 per cent of workmen are receiving medical and surgical attention, prompt awards for injuries without being forced to take a pauper's oath to secure that settlement, it is indeed a long step forward.

In several States the cost of carrying industrial insurance by employers has been reduced, while the awards to injured workmen have remained at the original figures. The next step along the lines of workmen's compensation will be to increase the awards and make those awards more quickly available to the injured person or his dependent.

Aside from the attempt to partially compensate an injured workman, one of the main features of a compensation law has to do with the reducing of accidents. As the compensation law operates, and as statistics are used by indemnity companies, the manufacturer in a particular line of business has his premiums reduced in proportion to the reductions of accidents in his particular line. It is then to his interest to see that every precaution is taken, and that when he has a man in charge of any one certain department, who shows an indifference to safeguarding the lives and limbs of the men over whom he has charge, he at once puts his hands into his employer's pocket by causing an increase in the rates which that business must carry to cover injuries and accidents.

The compensation plan as now in force in the several States, has gone many

leagues to advance the conditions prevailing no further back than five or six years. The principles of partial compensation have become so firmly a part of the organic laws of a majority of the States in the Union, that it would be suicidal upon the part of any individual or a combination of individuals to attempt to revert to old time practices.

During the past year there were over 100,000 accidents occurring in industrial Ohio. Every one of those accidents came under the personal observation and scrutiny of the Ohio State Industrial Commission. Some of the awards made under the State insurance system carry \$12 per week for the length of life of the injured worker, when it is a case of total disability.

This means that should total disability overtake a workman, he would receive the sum of \$15,600, distributed over a period of twenty-five years, or longer, should he continue to live. Also, that a partial cash advance payment can be made for the purpose of purchasing a home, a farm, or some business which would enable him to live in comfort without depending entirely upon his monthly awards.

Cases too numerous to mention are of record prior to the enactment of the compensation law, where a worker totally disabled, had no rights in the courts, and the law designated him everything but a malefactor. Under the old system of fellow servant, contributory negligence and assumption of risk the recoveries made by injured workmen and his dependents in case of his death, were almost nil, when all accidents were considered.

Again it may be stated, that with all the employers of a State coming in under a workmen's compensation law, the fact still remains that prior to such a plan, we have the 66,000 cases coming under the immediate notice of one indemnity insurance manager, and settlements or compensation being made in only 6 per cent of the cases. Ninety-four workmen in every 100 injured or killed never recovered one penny.

Does any man with one iota or spark of manhood in his makeup, want to claim that this was justice? Do the working men of the United States desire to revert to those barbaric conditions? Do they desire that the widow and orphans shall be scattered unto the four winds of heaven; that the life of the breadwinner has no more value than the bolt or screw in a piece of machinery?

Twenty-two foreign countries have compensation laws, and nearly all the States in the Union have them, including the territories.

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### REDUCING ACCIDENTS BY EDUCATIONAL PLAN

Sacramento, Cal.—The state industrial accident commission, of which Will J. French, Typographical union, is a member, is conducting an educational campaign for the purpose of lessening the number of accidents and fatalities in industry.

Many of the notices are printed on stout linen and an appeal is made to both employer and employee to work for the common end. The literature is profusely illustrated to show the wrong way and the right way of doing things and the results of carelessness are vividly pictured. It is shown that there were 524 accidents in 1914 because of piling construction material unsafely. Lumber with protruding nails caused 1,001 accidents. Unguarded floor openings in buildings under construction, defective ladders, flimsy constructed scaffolds, careless handling of explosives and other subjects are illustrated and printed in a form easily read.

The commission has issued special orders that cover many industries and callings. One of the features of this campaign is the use made of California's historic bear. The commission has organized a Miner's Safety Bear club, with the slogan, "I am a bear for safety," on an attractive button. Admittance to the club is free and through an endless chain system "every good safety bear" is supposed to enlist a recruit.

The commission is also working with sub-committees of employers and employees. It is the purpose of this joint movement to awaken a state-wide interest in the lessening of accidents and to make prevention of these occurrences a major question in California industry.

### DEFENDS UNIONISM.

Newark, N. J.—The Evening News of this city is not in sympathy with the recent anti-union policy of employers in New York's garment industry.

The editor says that the employers' attempt to repudiate the preferential hiring of union workers, which was agreed to in the original contract, and also to retain a free hand in dismissals, "would cast the entire organization of the industry into the scrap heap and bury the protocol in anarchy."

"To abandon the preferential shop, to cripple the union and to reinstate the employer autocrat would be a calamity, not only to the world of industry, but in the world of democracy."

### PACKERS' PENSION A SNARE

Toronto, Ontario.—The Swift Packing Company, Chicago, has announced that it will inaugurate a pension scheme without cost to its workers. It is estimated that the company employs 2,000 men and women in Canada, and the Industrial Banner, official paper of the Toronto Trades and Labor Council, says:

"It is doubtful if at this stage of the development, intellectually and economically, any large number of the working people of Canada can be deceived by the old-age pension molasses which the American meat packing trust is now dangling before their employees. It is significant that this 'generous' non-contributing pension system is being held before the eyes of the packing-house workers at a time when there is an actual shortage in the kind of labor the packing houses demand."

"Old-age pensions and insurance against unemployment, sickness, etc., are most desirable, but if they are to be of any real benefit to the great mass of people compelled to sell their labor in a competitive labor market, they must not depend on the benevolence of whims of private individuals or corporations."

"It is the business and mission of the labor unions and wage workers themselves to bring such pressure to bear upon the provincial and dominion governments as to compel them to inaugurate and establish universal pension systems which will tend to liberate the wage workers from the haunting fear of want during their old age instead of further riveting their chains upon them."

"An old-age pension, like the one offered to the packing house workers, where they have no legal claim to it, if they offend their masters, by demanding more wages or better working conditions while they are qualifying for it, means slavery of the worst kind and nothing but slavery."

### NEXT! BARBERS NOW ON STRIKE

Union Leader Says 20,000 Razor Wielders Will Quit.

New York, Aug. 22.—Two thousand barbers in 800 shops went on strike today, according to Charles M. Fieder, vice-president of the International Barbers' Union of America. Before the end of the week Fieder declared the majority of the 20,000 barbers in the greater city would join the strike. They demand an increase of one dollar a week in wages.